

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

ENTERGY NUCLEAR VERMONT YANKEE, LLC
and ENTERGY NUCLEAR OPERATIONS, INC.,

Plaintiffs,

v.

PETER SHUMLIN, in his official capacity as
GOVERNOR OF THE STATE OF VERMONT;
WILLIAM H. SORRELL, in his official capacity as
ATTORNEY GENERAL OF THE STATE OF
VERMONT; and JAMES VOLZ, JOHN BURKE, and
DAVID COEN, in their official capacities as members
of THE VERMONT PUBLIC SERVICE BOARD,

Defendants.

Civil Action No. 1:11-cv-99

Notice of Appeal

NOTICE OF APPEAL

Notice is hereby given that the defendants in the above-named case appeal to the United States Court of Appeals for the Second Circuit from each and every part of the Decision and Order on the Merits of Plaintiffs' Complaint entered in this action on January 19, 2012 [Dkt. 181] and the Final Judgment entered on January 20, 2012 [Dkt. 183], and from all opinions, orders, and rulings subsumed therein, including, but not limited to, the following docket entries:

- Dkt. 24 & Dkt. 27 at 27:3-8 (denying defendants' motion to combine preliminary injunction hearing with trial on the merits);
- Dkt. 87 (denying defendants' motion to strike portions of plaintiffs' supplemental proposed findings of fact);
- Dkt. 132 (granting plaintiffs' motion in limine to preclude expert testimony);
- Dkt. 159 & Dkt. 167 at 176:1-3 (denying defendants' motion for judgment as a matter of law);
- Dkt. 164 at 149:13-14, Dkt. 168 at 389:1-2, Dkt. 168 at 391:3-5, & Dkt. 170 at 591:10-11 (overruling defendants' objections to witness testimony);
- Dkt. 177 (granting plaintiffs' motion for leave to file one-paragraph response);
- Dkt. 181 (decision and order on the merits of plaintiffs' complaint);
- Dkt. 168 at 281:23-24 & Dkt. 182 (sustaining in part and overruling in part defendants' objections to admission of certain exhibits and testimony from the preliminary injunction hearing); and
- Dkt. 183 (final judgment).

Even if one or more of these opinions, orders, or rulings did not merge into the final judgment, the defendants hereby give notice that they appeal from those opinions, orders, and rulings to the United States Court of Appeals for the Second Circuit.

Dated: February 18, 2012

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the above document with the Clerk of the Court using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

Robert B. Hemley, Esq.
Matthew B. Byrne, Esq.

Kathleen M. Sullivan, Esq.
Faith E. Gay, Esq.
Robert Juman, Esq.
Sanford I. Weisburst, Esq.
William B. Adams, Esq.

Dated: February 18, 2012

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

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